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10 HOOTAN MELAMED

11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 HOOTAN MELAMED,

18 Defendant.

CASE NO. 16CR1409H

**DEFENDANT HOOTAN
MELAMED'S RESPONSE TO
REQUEST FOR SUMMONS AND
MODIFICATION OF THE
CONDITIONS OR TERM OF
SUPERVISION**

Hearing:

Date: April 29, 2022

Time: 10 a.m.

Courtroom: Hon. Marilyn Huff

1 **TO THE HONORABLE MARILYN HUFF, THE UNITED STATES AND ITS**
2 **ATTORNEYS OF RECORD AND THE UNITED STATES PROBATION**
3 **OFFICE:**

4 Please take notice that Defendant Hootan Melamed respectfully submits this
5 response to the Request for Summons and Modification of the Conditions or Terms of
6 Supervision.

7 Respectfully submitted,

8 Dated: April 25, 2022

LAW OFFICES OF STEVEN
GOLDSOBEL, A PROFESSIONAL
CORPORATION

10 By: /s/ Steven Goldsobel
11 STEVEN M. GOLDSOBEL
12 Attorney for Defendant Hootan Melamed
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 After completing his six-month term of imprisonment, which included two lengthy
3 periods of solitary confinement, Mr. Melamed began his three-year term of supervised
4 release on October 27, 2021. The Court intended that Mr. Melamed serve the first six
5 months of his supervised release term at a Residential Re-entry Center (“RRC”) which, if
6 it began on October 27, 2021, as intended, Mr. Melamed would have completed on April
7 21, 2022.

8 The purpose of this hearing is to determine whether Mr. Melamed should serve a
9 term of home confinement after having been medically discharged from the RRC.
10 Because Mr. Melamed served 37 days, the Probation Office recommends home detention
11 with monitoring of 143 days.

12 However, we respectfully submit that it is not in the interests of justice to have Mr.
13 Melamed resume detention of any length at this point, including at home, for the simple
14 reason that Mr. Melamed, under the careful supervision of U.S. Probation in the Central
15 District of California, has rehabilitated himself and now has a life that is worthy of
16 respect and stability. Specifically:

17 (1) Mr. Melamed has been engaged to be married since February 17, 2022, to Ellie
18 Ghaffari. They are raising five children, ages 11 to 14. Their children attend
19 four different schools around the City of Los Angeles and are involved in
20 different after-school activities. Mr. Melamed’s daughter is a soccer protégé
21 and, nearly every weekend, Mr. Melamed takes her to games and tournaments
22 across Southern California, including San Bernardino, Temecula, Santa
23 Barbara, and Irvine.

24 (2) Mr. Melamed’s own two children have been traumatized by Mr. Melamed’s
25 two absences. They needed to adjust when Mr. Melamed was absent while
26 serving his term of imprisonment at Lompoc. They then became used to their
27 dad’s constant presence and involvement in their daily lives when he returned
28 from Lompoc, but then their dad was removed again from their lives when Mr.
Melamed reported to RRC on December 1. Even if Mr. Melamed is now
confined at home, there is no doubt that Mr. Melamed’s children would be

1 further traumatized if Mr. Melamed is restricted in his daily life.

2 (3) Mr. Melamed, with his fiancé, has established a real estate business where they
3 fix up homes for resale. Mr. Melamed travels across Southern California on a
4 daily basis to visit his work sites, as well as to meet with vendors, contractors
5 and escrow agents. Mr. Melamed currently works 45-60 hours per week,
6 beginning his day at 5 a.m.

7 (4) Mr. Melamed also has a health supply business (non-prescription and non-
8 insurance). Mr. Melamed is involved in the manufacturing and marketing
9 process and his business plan was provided and approved by U.S. Probation.
10 Mr. Melamed would welcome the opportunity to share the specifics of either
11 business with the Court.

12 (5) After Mr. Melamed completed his term of imprisonment, the Probation Office
13 did not submit a request for RRC confinement for approximately 30 days and,
14 following Mr. Melamed's medical discharge on January 6, 2022, the summons
15 request from U.S. Probation was not submitted until February 22, 2022.

16 Without casting blame, these delays have had a real impact on Mr. Melamed
17 and his family by prolonging uncertainty in the face of a now stable and
18 functioning family.

19 Importantly, Mr. Melamed communicates with U.S. Probation Officer Kaitlin Cox two to
20 three times per month. She has fully approved all of Mr. Melamed's activities, including
21 travel throughout the state of California.

22 In addition, the Court, when fashioning Mr. Melamed's sentence, originally was
23 inclined to sentence Mr. Melamed to one year and one day in custody, effectively 10 and
24 one-half months once accounting for good time credit. Since Mr. Melamed began his
25 sentence on April 29, 2021, Mr. Melamed would have completed his sentence long ago.

26 Further, the Court will recall that Mr. Melamed was the first of his coconspirators
27 to be sentenced. Mr. Melamed advocated for parity in sentencing with his codefendants.
28 While the Court understood the fairness in ensuring similar sentences, the Court stated
that such sentences had not yet been imposed to serve as guideposts. Today, however,
the Court does have these sentences available for consideration. All four of Mr.

Melamed's business partners have been sentenced, with three partners receiving terms of

1 six-months' imprisonment and one year of supervised release and one partner receiving
2 two years' probation with six months' home detention, as follows:

3 Sidney Cobos 6 mos. BOP 1 yr. Sup. Rel.

4 Allan Lummer 6 mos. Home detention 2 yr. Sup. Rel.

5 Farshad Sassounian 6 mos. BOP 1 yr. Sup. Rel.

6 Ashkan Kohanpour 6 mos. BOP 1 yr. Sup. Rel.

7 In other words, no sentence for Mr. Melamed's partners was for more than six months,
8 whether in prison or home detention. Mr. Melamed's split sentence (totaling 12 months)
9 was twice as long and his three-year term of supervised release was three times as long as
10 3 of the 4 partners.

11 In conclusion, because Mr. Melamed has accomplished exactly what the Court
12 would expect during a term of supervised release – to return to society as a contributing
13 member – and Mr. Melamed's sentence, in retrospect, was much greater than his
14 coconspirators, we respectfully submit that Mr. Melamed be permitted to continue with
15 his life as it now stands, reporting regularly to U.S. Probation until his term of supervised
16 release terminates.

17 Respectfully submitted,

18 Dated: April 25, 2022

19 LAW OFFICES OF STEVEN
20 GOLDSOBEL, A PROFESSIONAL
21 CORPORATION

22 By: /s/ Steven Goldsobel
23 STEVEN M. GOLDSOBEL
24 Attorney for Defendant Hootan Melamed
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067. On April 25, 2022, I served the foregoing document described as:

**DEFENDANT HOOTAN MELAMED'S RESPONSE TO REQUEST FOR
SUMMONS AND MODIFICATION OF THE CONDITIONS OR TERM OF
SUPERVISION**

on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope, addressed as follows:

Valerie Chu U S Attorneys Office Southern District of California Criminal Division 880 Front Street, Room 6293 San Diego, CA 92101 619-546-6750 p 619-546-0450 f Valerie.Chu@usdoj.gov <i>Attorney for USA</i>	Kaitlin Cox U S Probation Officer Kaitlin_Cox@cacp.uscourts.gov
	John Moore U S Probation Officer John_Moore@casp.uscourts.gov

[X] BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION:

Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document to be sent to the respective e-mail addresses of the parties. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on April 25, 2022, at Los Angeles, California.

/s/ Samantha Carranza
Samantha Carranza